

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARY K. GARCIA,

Plaintiff

v.

SYNCHRONY BANK d/b/a JCPENNEY
CREDIT SERVICES,

Defendant.

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Case No. 3:17-cv-03226-M

**DEFENDANT SYNCHRONY BANK'S
OPPOSED MOTION TO COMPEL ARBITRATION AND DISMISS**

Defendant Synchrony Bank, improperly named as Synchrony Bank d/b/a JCPenney Credit Services (“Synchrony”) pursuant to Federal Rule of Civil Procedure 12(b)(1) and Sections 3 and 4 of the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 1-16 (“FAA”), hereby moves this Court for an Order to Compel Arbitration. As set forth in Synchrony’s concurrently filed memorandum of law, which Synchrony incorporates herein, Plaintiff Mary K. Garcia entered into a credit card agreement with Synchrony which contain a binding Arbitration Provision, the scope of which include the present dispute. Because Plaintiff consented to resolve her disputes with Synchrony pursuant to arbitration, this Court should compel arbitration and dismiss this lawsuit.

Dated: May 14, 2018

Respectfully submitted

By: /s/ Michael H. Bernick

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CERTIFICATE OF CONFERENCE

The undersigned counsel certifies that on April 30, 2018 counsel for Synchrony Bank conferred with Plaintiff's counsel, Mr. Nathan Volheim, regarding the relief sought. Counsel for Plaintiff indicated that he is opposed to the relief sought.

/s/ Michael H. Bernick
Michael H. Bernick

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2018 the foregoing document was filed electronically and served on all Parties through the Court's CM/ECF System.

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